



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Amending the Bylaws for the Lodi Improvement Committee to Reduce the Membership of the Committee From Nine to Seven

**MEETING DATE:** September 2, 2009

**PREPARED BY:** Community Development Department

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**RECOMMENDED ACTION:** Adopt a Resolution amending the Bylaws for the Lodi Improvement Committee (LIC) to reduce the number of positions on the committee from nine to seven.

**BACKGROUND INFORMATION:** On July 21, 2009, at a Special Meeting of the Lodi Improvement Committee, the members in attendance at that meeting voted unanimously to amend the LIC Bylaws to reduce the number of positions on the committee from nine to seven. The size of the committee is specified within the By-Laws for the LIC and therefore requires Council action to approve.

The reasoning behind their action was two-fold. There were occasions when the committee had to cancel meetings as they were unable to reach a quorum. They felt that if they reduced the number required to meet a quorum, from five with the nine-member committee, to four with the seven-member committee, there would be less likelihood of this occurrence. Second, the LIC currently meets in the Council Chambers at Carnegie Forum. With only seven seats on the dais, on several occasions members have had to awkwardly double-up at one of the seats. The committee felt it appropriate to make this reduction to match the available seating on the dais.

In the approval of this bylaw amendment, the LIC specified that the reduction in the membership should be achieved through attrition, as current members resign their position, fail to complete their terms, or do not seek reappointment at the end of their term.

To facilitate this change, the LIC approved the following changes to Article III, Section 2 of the Lodi Improvement Committee Bylaws:

### ARTICLE III MEMBERSHIP

#### SECTION 2. BOARD OF DIRECTORS

Effective ~~April 1, 1994~~ July 21, 2009, pending approval by the Lodi City Council, the ~~fifteen (15)~~ nine (9) person Board of Directors ~~established by City Council action on March 17, 1993~~ shall, by attrition, be reduced to a ~~nine (9)~~ seven (7) member board. Such attrition shall occur by resignation, removal of directors currently serving, failure to complete their term or failure to

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APPROVED:

A handwritten signature in black ink, appearing to read "Blair King".

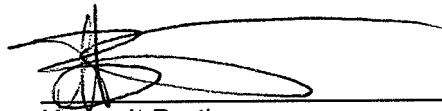
Blair King, City Manager

seek reappointment at the end of their term. During and after the transition, a quorum of the Board for voting or meeting purposes shall consist of fifty percent (50%) plus one of all directors then serving on the Board. After transition is complete, directors shall continue to serve three year staggered terms, based on their original date of appointment.

The Lodi Improvement Committee is requesting that the City Council approve the proposed Bylaw amendments, referenced above.

**FISCAL IMPACT:** None

**FUNDING AVAILABLE:** N/A

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Konradt Bartlam  
Community Development Director

KB/jw

**LODI IMPROVEMENT COMMITTEE  
SPECIAL MEETING MINUTES**

July 21, 2009

6:00 P.M.

**ROLL CALL**

<b>BOARD</b>		<b>STAFF</b>
<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>	
Robert Takeuchi (Chair)	Joe Spinelli	Joseph Wood, CDD
Stephen Jarrett (Vice-Chair)	Eileen St. Yves	Araseli del Castillo, CDD
Rosie Ortiz (Treasurer)	Reyes Jaramillo	
Tim Mustin		
Sunil Yadav		
Fran Forkas		

**MINUTES**

June 9, 2009 – Regular Meeting

Mr. Forkas motioned to approve, Mrs. Yadav seconded.

Approved 6-0

**TREASURER'S REPORT**

Ending balance is \$730.13

Mr. Forkas motioned to approve, Mr. Mustin and Mr. Yadav second it.

Approved 6-0

**ANNOUNCEMENTS/PRESENTATIONS**

Mr. Wood announced if anyone will like to speak to come to the podium.

Mrs. Spinelli mentioned she is the wife of Joe Spinelli and she is here on Mr. Spinelli's behalf. Mr. Spinelli has been in poor health for several months and has been unable to attend the monthly meetings. Rather it be deemed he vacated his position he has decided to resign. I am here tonight to present you with his letter of resignation. She states that Mr. Spinelli asks if his health improves he is hoping that some day he will be able to serve on the committee.

Mr. Takeuchi replied to please extend our regards to Joseph.

Mr. Takeuchi stated Mr. Wood will obtain a certificate for Mr. Spinelli thanking him for his time served on the committee.

**AGENDA ITEMS**

**A. Proposed Amendment of By-Laws**

Mr. Wood stated the committee would like to consider amending the by-laws to reduce the size of the committee from nine members to seven. It is recommended that be done through a attrition in such fashion that the position only be lost if someone failed to complete their term, they resigned or they failed to re-up for reappointment. Mr. Wood has the suggested language in the staff report to say:

Article III Membership  
Section 2, Board of Directors

Effective July 21, 2009, pending approval by the Lodi City Council, the nine (9) person Board of Directors shall, by attrition, be reduced to a seven (7) member board. Such attrition shall occur by resignation, failure to complete their term or failure to seek reappointment at the end of their term. During and after the transition, a quorum of the Board for voting or meeting purposes shall consist of fifty percent (50%) plus one of all directors then serving on the Board. After transition is complete, directors shall continue to serve three year staggered terms, based on their original date of appointment.

Mr. Takeuchi asked Mr. Wood if this has to go before City Council has to approve this before it goes effective.

Mr. Wood replied yes.

Mr. Takeuchi stated he believes the struck language should be added back in after the added language. (Shall occur by resignation, failure to complete their term or failure to seek reappointment at the end of their term or removal of directors currently serving.) Mr. Takeuchi also stated that the quorum it shall consist of fifty percent (50%) not 50% plus one.

Mr. Forkas replied the problem is you only have 50% of the quorum and not a majority.

Mr. Wood replied exactly.

Mr. Jarrett asked Mr. Wood if he would ask the City Attorney his understanding of what a quorum is.

Mr. Wood replied yes.

Mr. Takeuchi would like to attain a motion to approve the change to the by-laws. Add back in the language that was removed defining attrition and the 50% plus one which we now have an understanding of what that is. That will be approved subject to what Mr. Wood learns from the City Attorneys office.

Mr. Jarrett motioned, Mr. Forkas 2<sup>nd</sup> it.

Approved 6-0

**B. Follow up on Action/Issues from Previous Meetings**

Eastside Summit

Mr. Wood stated on June 16, the City Manager met with the following City Staff: City Clerk Randi Johl, Deputy City Manager Jordan Ayers, Communications Specialist Jeff Hood, Community Development Director Rad Bartlam, Public Works Director Wally Sandelin, and Neighborhood Services Manager Joseph Wood. The purpose of the meeting was to discuss how to address the Eastside Summit issue. They are also planning a Downtown Summit so it is a matter of which one do we have first.

Mr. Wood stated the meeting would be a one time event rather than a series of public forums that would consist of would be an opening session. They see being able to break out into work groups, discussion groups and come back together to bring any issues. It was also suggested this would probably best be facilitated with a consultant. A suggestion was made at the meeting for someone to reach out to one of the principals at MIG which is the consulting firm who worked with the City for the EMAP process. This will provide a third party mediator.

Mr. Wood stated there was follow up meeting with Dan Iacofano, a Founding Principals of MIG. In the session he did provide a great deal of information and ideas which helped move the concept along. It was Mr. Iacofano's suggestion that this event be done in conjunction with some type of existing community fair. One that came to mind was Celebration on Central. They already have a good gathering of people. There will be some follow up meetings and I will provide information from those meetings.

Mr. Mustin mentioned that Mr. King is going to take over the Eastside Summit issue and if that is the conclusion what is our next step. Mr. Mustin stated what are we here to do if we are not to inform the people in the Eastside and help them make their life better. If we are not going to do anything then why am I here when I can be hanging out with my kids. My thought is to see where things go with Mr. King with him leading it and support him when we can. There after continue to push to have some type of meeting like this.

Mr. Jarrett replied we can enter our resignations as a body and say if you do not allow the Lodi Improvement Committee to do what it is designed to do then there is no need for us.

Mr. Wood stated you can write a letter voicing your frustration.

Mr. Takeuchi mentioned that by writing a letter venting every ones frustration is the wrong approach unless we are willing to do more than that and say more than that. Mr. Takeuchi stated if we are going to say we don't want this anymore we have to be strong and do more than just complain.

Mr. Takeuchi stated he would like to entertain a motion to have Mr. Yadav be our representative at any future meetings.

Mr. Takeuchi asked Mr. Wood if he knew the fee the consultant is going to be paid.

Mr. Wood replied no.

Mr. Takeuchi asked Mr. Wood if he knew where the funds were going to come from.

Mr. Wood replied no.

Mr. Takeuchi asked Mr. Wood that prior to entertaining a motion can he ask if Mr. Yadav can attend the meeting.

### **Committee Membership**

## **DEPARTMENT REPORTS**

### **A. Community Development**

#### **\* Planning Commission**

Mr. Wood mentioned that in the past with Community Development Department we provided some basic information when a Use Permit application for alcohol-related or live entertainment on the Eastside and around the City that would be a concern. With what I am provided it does not give you enough to act on at our meetings. From now on I will provide you with what applications have been received and if there is any specific use permit application alcohol or live entertainment related. If there is an interest I can retrieve additional information.

17 W. Pine St. – Live Entertainment Use Permit – Zin Lounge  
1220 E. Victor Rd. – Off Sale Wine Use Permit – Donatelli Cellars LLC

#### **\* Planning Commission – Past Action**

17 W. Pine St. – On Sale Alcohol Use Permit – Zin Lounge  
Approved  
2 W. Lockeford – Winery Use Permit – Estate Crush  
Approved

#### **\* Neighborhood Services Division**

Mr. Wood stated the key project is the Alley Drainage Improvement Project. Mr. Forkas has been actively working with Public Works staff on what projects site and locations are to be addressed. Public Works is offering a recommendation of a specific designed called the valley gutter. It is more expensive because there is a lot more cement involved but it provides the most effective drainage.

Affordable Senior Housing Project Update

A community meeting was held on Tuesday, July 14<sup>th</sup>, in the Carnegie Forum. We invited Pyatok Architects provided a preliminary design. We invited residents between Mills

We are scheduled to go to City Council on August 5<sup>th</sup>, to authorize an Exclusive Right to Negotiate agreement with Eden Housing

Neighborhood Stabilization Program (NSP) Funding

**A. Police Department**

- \* **District/Watch Commander  
Community Improvement/Code Enforcement**

**B. Public Works**

Lodi Avenue Improvement Project

**COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS (5 minute limit per speaker)**

Marge Stewart mentioned she called the City regarding the water running from 11:30 a.m. to 3:30 p.m. She states they could have swam in the gutters. She stated maybe something needs to be posted in the news paper.

**COMMENTS FROM BOARD MEMBERS on Non-Agenda Items (5 minute limit per speaker)**

Mr. Takeuchi mentioned the Lodi Adopt A Child is holding a golf tournament.

Mr. Yadav mentioned a city employee came to his property and removed garage sale signs posted on the poles.

**NEW BUSINESS**

**A. Topics for Upcoming meetings**

- Rental Property Inspection Program – August
- Affordable Housing

Lodi Improvement Committee  
Meeting Minutes  
Tuesday, July 21, 2009  
Page 6 of 6

ADJOURNMENT

There being no further business before the Committee, it was, on motion duly made by Mr. Takeuchi adjourned at 7:41 p.m.

Respectfully submitted,  
ARASELI DEL CASTILLO, Recording Secretary



RESOLUTION NO. 2009-123

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING AMENDMENTS TO THE BYLAWS FOR  
THE LODI IMPROVEMENT COMMITTEE

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WHEREAS, the members of the Lodi Improvement Committee (LIC) wish to change the language in Article III, Section 2 of the Bylaws pertaining to the number of positions on the committee; and

WHEREAS, by reducing the number of positions on the committee from nine to seven, the LIC felt that it will be easier to achieve a quorum at its meetings and by reducing to seven it would be better accommodated upon the dais; and

WHEREAS, the LIC specified that the reduction should be achieved through attrition, as current members resign their position, fail to complete their terms, or **do** not seek reappointment at the end of their term; and

WHEREAS, at a Special Meeting held on July 21, 2009, the LIC voted and approved said amendments to the Bylaws and hereby respectfully submits the amended Bylaws to the Lodi City Council for its review and approval.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the amendments to the Bylaws for LIC, changing language pertaining to the number of positions on the committee, as shown on Exhibit A attached and made a part of this Resolution.

Dated: September 2, 2009

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I hereby certify that Resolution No. 2009-123 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 2, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Katzakian, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Johnson and Mounce

ABSTAIN: COUNCIL MEMBERS – None

  
RANDI JOHL  
City Clerk

BYLAWS OF

THE LODI IMPROVEMENT COMMITTEE

ARTICLE I  
ORGANIZATION

SECTION I -

Under the auspices of the City of Lodi, there is hereby created the Lodi Improvement Committee.

ARTICLE II  
PURPOSES

SECTION 1. GENERAL PURPOSE

The Lodi Improvement Committee is organized and created for the purposes of maintaining and improving the quality of life and appearance of Lodi by the coordinated efforts of a broad spectrum of the community.

SECTION 2. SPECIFIC GOALS/PURPOSES

- A) To combat illegal drugs, prostitution, and other crimes by such measures as cooperation with or establishment of groups such as Crime Stoppers and Neighborhood Watch.
- B) To eliminate blight and encourage the maintenance, improvement, or rehabilitation of properties throughout Lodi, with the cooperation of residents, property owners, business, and government.
- C) To act as an advocate for residents in issues dealing with the upgrade, improvement and maintenance of all infrastructure, including streets, alleys, water, sewer and storm drainage systems.
- D) To encourage compliance with building, housing, fire, and other health and safety laws, and local property maintenance ordinances by property owners, residents, and businesses.
- E) To coordinate with churches, civic and community groups, and other community based organizations to educate and inform the public on ways of achieving these goals, and to keep the public informed of the efforts.
- F) To work with business community to encourage a healthy business climate.
- G) Provide acknowledgement to properties and businesses throughout the City that show marked improvements in service and appearance that contributes to the image and quality of the community.

ARTICLE III  
MEMBERSHIP

SECTION 1. GENERAL MEMBERSHIP

General membership shall be open to all persons.

SECTION 2. BOARD OF DIRECTORS

Effective July 21, 2009, the nine (9) person Board of Directors shall, by attrition, be reduced to a seven (7) member board. Such attrition shall occur by resignation or removal of directors currently serving, failure to complete their term or failure to seek reappointment at the end of their term. During and after the transition, a quorum of the Board for voting or meeting purposes shall consist of fifty percent (50%) plus one of all directors then serving on the Board. After

transition is complete, directors shall continue to serve three year staggered terms, based on their original date of appointment.

### SECTION 3. SUBCOMMITTEES

There may be as many subcommittees as deemed necessary by the Board to accomplish any specific goal to be achieved by the Improvement Committee.

## ARTICLE IV OFFICERS

### SECTION 1. EXECUTIVE OFFICERS

The Executive Officers shall consist of a Chairperson, Vice-Chairperson, and Treasurer. New officers shall be elected by the Board annually at the first meeting in April.

### SECTION 2.

The Chairperson or Vice Chairperson shall serve as spokesperson for the Lodi Improvement Committee and liaison with the Lodi City Council.

### SECTION 3.

Any Executive Officer or Board of Directors member who misses three (3) unexcused meetings within a one year period without the consent of one of the Executive Board Members shall be deemed to have vacated the office.

## ARTICLE V FINANCIAL MATTERS

### SECTION 1. REVENUES

All revenues of the Lodi Improvement Committee shall be administered through a bank account, to be monitored by the City of Lodi and into which all donations, gifts, or other revenues raised by the Lodi Improvement Committee shall be placed. All expenditures must be approved by a majority vote of the Board, subject to City Council overview and signed by Treasurer and one Executive Officer.

### SECTION 2. AUDITING

The fund account for the Lodi Improvement Committee shall be audited as part of the City's regular annual audit and quarterly expenditures reports will be submitted by the Treasurer to the Finance Department of the City of Lodi.

## ARTICLE VI TERM OF EXISTENCE/DISSOLUTION

### SECTION 1. CONTINUOUS OPERATION

The Lodi Improvement Committee shall continue and be permanent until dissolved by action of the City Council or the Improvement Committee Board of Directors.

ARTICLE VII  
BOARD PROCEDURES

SECTION 1. PROCEDURES

After the transition described in Article III, Section 2 above is complete, five Board Members shall constitute a quorum and may conduct business at any regular meeting. A majority of those present may act by affirmative vote. No proxy voting is allowed.

SECTION 2. MEETING

Regular meetings of the Board shall be held once a month, on the second Tuesday of each month, at a location to be determined by the Board and opened to the public. Special meetings shall be held as necessary. All meetings shall be subject to the provisions of the Ralph M. Brown Act (Gov. Code §54950 et. Seq.).

SECTION 3. COMMUNICATIONS

All external communications to the public or media shall be through or authorized by the Chairperson, or in his/her absence, by the Vice-Chairperson or a designated Board Member.

ARTICLE VIII  
AMENDMENTS

SECTION 1.

These Bylaws shall constitute the empowering documents for the Lodi Improvement Committee and may be revised by the City Council or a majority vote of the Board of Directors, at a regular meeting previously announced for the purpose, subject to ratification by the Lodi City Council.

ADOPTED BY CITY COUNCIL VOTE ON SEPTEMBER 2, 2009, RATIFIED BY MAJORITY VOTE OF THE LODI IMPROVEMENT COMMITTEE ON JULY 21, 2009.

\_\_\_\_\_  
CHAIRPERSON

APPROVED AS TO FORM

\_\_\_\_\_  
D. STEPHEN SCHWABAUER  
CITY ATTORNEY

CITY COUNCIL

LARRY D. HANSEN, Mayor  
PHIL KATZAKIAN,  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
BOB JOHNSON  
JOANNE MOUNCE

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807  
[www.lodi.gov](http://www.lodi.gov) [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

BLAIR KING, City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

September 3, 2009

Joseph Spinelli  
1225 S. Church Street  
Lodi, CA 95240

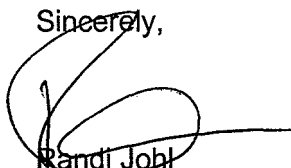
On behalf of the Lodi City Council and the citizens of this community, thank you for your dedicated service as a member of the Lodi Improvement Committee.

As you reflect on your participation, I hope you will feel gratified in knowing you have been a part of many fine events and accomplishments and that effort will continue to be made toward enriching and improving our community. Thank you so much for sharing your talents with us.

In ending your service, it will be necessary for you to complete a Form 700 – Conflict of Interest Leaving Office Statement no later than 30 days from the date of this letter of notice (**due Monday, October 5, 2009, by 5:00 p.m.**) The original statement will be retained in the City Clerk's Office. Forms have been enclosed for your convenience.

I wish you the best of luck in your future endeavors. Should you have questions concerning this matter, please contact the City Clerk's Office for assistance.

Sincerely,



Randi Johl  
City Clerk

RJ/JMR

cc: B&C Liaison  
B&C folder  
FPPC files  
Follow-up